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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,208	06/27/2003	Didier Poirot	15437-0637	7322

45657 7590 04/04/2007
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EXAMINER

FRINK, JOHN MOORE

ART UNIT	PAPER NUMBER
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2142

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/609,208	Applicant(s) POIROT ET AL.	
	Examiner John M. Frink	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/13/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The contents to Fig. 5 are referenced when it appears the applicant is still referring to Fig. 4; other than in the BRIEF DESCRIPTION OF THE DRAWINGS section, Fig. 5 is not referenced in the specification.

Appropriate correction is required.

Drawings

1. The drawings are objected to for failure to comply with 37 CFR 1.98. Specifically, the provided drawings are not legible.

Appropriate correction is required.

Claim Objections

1. Claim 4 objected to because of the following informalities: the node location identifier is described as an 'Internet Protocol'. It is assumed for the sake of this examination that 'Internet Protocol address' was intended instead. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14, 28 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. Specifically, the use of a 'slot identifier' to be used as the hardware identifier is indefinite.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 15, 17, 18, 29, 31 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Datta et al. (US 7,024,472 B1).

6. Regarding claim 1, Datta et al. disclose a distributed node system comprising: a table manager adapted to load a first table comprising for ones of a plurality of node identifiers: a location identifier, a hardware identifier, and configuration parameters ((Fig. 12 item 14, col. 10 lines 27 – 47, Fig. 13F, Fig. 14);

a node location manager adapted to detect a new hardware identifier for a location identifier and to send a modification message to the table manager, said modification message comprising the new hardware identifier for a location identifier, the table manager being adapted to update the first table responsive to said modification message (Fig. 12 item 12, col. 10 line 47 – col. 11 line 20); and

a client manager adapted to generate at least a second table in a client server according to the first table and to update said second table when the first table is updated (Fig. 12 items 52, 85, 83 and item NODE LIST, Fig. 12A, col. 12 lines 12 - 60).

7. Regarding claims 15 and 29, Datta et al. disclose a) loading a first table comprising for ones of a plurality of node identifiers: a location identifier, a hardware identifier, and configuration parameters; b) detecting a new hardware identifier for a location identifier; c) updating the first table responsive to the new hardware identifier for the location identifier; and d) generating at least a second table in a client server according to the first table and updating said second table when the first table is updated (Figs. 12, 12A, 13A, 13F and 14, col. 10 line 27 – col. 12 line 60).
8. Regarding claims 3, 4, 17, 18, 31, and 32, Datta et al. further disclose where the node identifier comprises a number different for each node of the distributed node system (Fig. 13F, where the node identifier is the IP address, which is inherently unique).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2, 4 – 12, 16, 18 – 26, 30, and 32 – 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Datta et al. in view of Keeler Jr. et al. (US 6,502,130 B1).
11. Regarding claims 2, 16 and 30, Datta et al. disclose the management server of claim 1, including a node location manager (Fig. 12, col. 10 line 27 – col. 12 line 60).

Datta et al. do not disclose where the location manager is operative in a dynamic node location mode.

Keeler Jr. et al. disclose dynamically locating nodes (col. 1 lines 50 – 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Keeler Jr. et al. in order to automate and thus simplify the process of adding new nodes to the network.

12. Regarding claims 5, 19 and 33, Datta et al. disclose a port number, a host being attached to the corresponding port, and an Internet Protocol address (Fig. 13A - G).

Datta et al. do not disclose where the computer attached to the corresponding port is a node, nor does Datta et al. disclose dynamic node location mode.

Keeler Jr. et al. discloses dynamic node location mode and where nodes are identified using port numbers to which they attach (col. 1 lines 50 – 65, col. 3 line 30 – col. 4 line 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Keeler Jr. et al. in order to automate and thus simplify the process of adding new nodes to the network as well as to utilize a common method of identifying and managing computers on a network.

13. Regarding claims 6, 20 and 34, Datta et al. disclose identifying the nodes on the network (Fig. 12A, Fig. 13A – G).

Datta et al. do not disclose where the identifier comprises the Ethernet address (also known as MAC address).

Keeler Jr. et al. disclose identifying computers through the use of their MAC address (col. 3 line 20 – col. 4 line 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Keeler Jr. et al. in order to identify the nodes on the network with a standard identifier present on all networked computers.

14. Regarding claims 7, 21 and 35, Datta et al. disclose being attached to ports of a switch in the distributed node system (Fig. 2, col. 3 lines 41 – 43).

Datta et al. do not disclose dynamic node location mode and where the node location manager is further adapted, at initialization time, to request port status for port numbers and to retrieve port status indication for said port numbers.

Keeler Jr. et al. disclose dynamic node location mode and where the node location manager is further adapted, at initialization time, to request port status for port numbers and to retrieve port status indication for said port numbers (col. 3 line 20 – col. 4 line 65).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Keeler Jr. et al. in order to automate and thus simplify the process of adding new nodes to the network, and to ensure they nodes were connected to the network they were connected via the proper port.

15. Regarding claims 8, 22 and 36, Datta et al. in view of Keeler Jr. et al. further disclose where the node location manager is adapter to receive a message comprising a modified port status indication (Datta et al. Fig. 13J, Keeler Jr. et al. col. 3 line 20 – col. 4 line 65).

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16. Regarding claims 9, 23 and 37, Datta et al. in view of Keeler Jr. et al. further disclose where, responsive to port status meeting a given condition, the node location manager is adapted to retrieve a hardware identifier of a node connected to a port ().

17. Regarding claims 10, 24 and 38, Datta et al. in view of Keeler Jr. et al. disclose where the port status is shown and that the hardware identifier of the node connected to said port is known (Datta et al., Fig. 13J and 13K, where in 13J the port number is shown, and the log, shown in 13K, shows if the computer on that port is operating properly).

Datta et al. in view of Keeler Jr. et al. do not show where the port status is shown as 'up.'

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the word 'up' to describe the status of a connection operating properly over a port as it is a clear and commonly used term to used to describe properly functioning connections.

18. Regarding claims 11, 25 and 39, Datta et al. disclose establishing a connection between nodes with a switch (Fig. 2, col. 3 line 41 - 43).

Datta et al. do not disclose where the node location manager is substantially compliant with the SNMP protocol.

Keeler Jr. et al. disclose where the node location manager is substantially compliant with the SNMP protocol (col. 3 lines 20 – 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Keeler Jr. et al. in order to utilize a standard protocol for managing network connections.

19. Claims 12, 26 and 40 rejected under 35 U.S.C. 103(a) as being unpatentable over Datta et al. in view of Asami (US 2001/0023459 A1).

Datta et al. disclose the management server, method and computer readable medium of claims 1, 15 and 29.

Datta et al. do not disclose a client server substantially compliant with the DHCP protocol.

Asami discloses a client server substantially compliant with the DHCP protocol (Fig. 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the disclosure of Datta et al. with that of Asami in order to utilize a standardized and reliable method of distributing and assigning IP addresses.

20. Claims 13, 27 and 41, rejected under 35 U.S.C. 103(a) as being unpatentable over Datta et al.

Datta et al. disclose generating IP addresses of nodes (where the AC of Fig. 12 can generate and edit the IP address of the node, shown in Fig. 13A and 13F) and to generate at least the second table using the IP address of the nodes, the nodes corresponding to the hardware identifier of the first table and the configuration parameters (where the configuration parameters are set by the AC of Fig. 12, and

passed via the AS of Fig. 12 to the Node Manager 52 of Fig. 12 to create the Node List, which corresponds to the second table; col. 10 line 27 – col. 11 line 20).

Datta et al. do not disclose using the network IP address to generate the IP address of the nodes.

It is notoriously old and well known in the art to utilize a network IP address to generate an IP address for computers on said network.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the network IP address to generate the IP address of the nodes, as this is a standardized, expected, and logical way to assign IP address on a network.


Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Frink whose telephone number is (571)272-9686. The examiner can normally be reached on M-F 7:30AM - 5:00PM EST; off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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